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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,477	06/06/2001	Kenneth P. Hinckley	m61.12-0318	7953

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EXAMINER

AWAD, AMR A

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,477

Applicant(s)

HINCKLEY ET AL.

Examiner

Amr Awad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,9-12,14 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,9-12,14 and 31-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 9-12, 14 and 31-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "selecting an orientation for an image on the display when the flat context value indicates the device is laying flat by using a tilt context value that was maintained for longer than a set period of time before the flat context value generated and before a different tilt context value was maintained for less than the set period of time." It is not clear to the examiner how the device can select by using the tilt context value while the flat context value indicates the device is laying flat. It is also not clear to the examiner how can the selection is carried out before a different tilt context value was maintained for less than the set period of time. The examiner respectfully requests a correction or clarification. Similar limitation is included in independent claims 5, 9-12, 14 and 31.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (6,567,101).

As to new claims 31-33, Thomas (1A-1C) teaches a display device and has a sensor (detector) for sensing the tilt of the display device (col. 4, lines 13-38), and wherein the text is being scrolled based on the tilting of the device (orientation) (col. 5, lines 41-60 and col. 21-45).

Thomas does not show that at least one tool bar is removed. However, as can be seen in figures 2A and 3A for example, no tool bar is indicated on the display. Furthermore, having a tool bar, would not be necessary in Thomas's device because the mode changing (scrolling, etc) is carried out by tilting the device. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to realize from the teaching of Thomas, that the device does not include a tool bar because the commands are carried out based on the orientation of the device, and that would increase the size of the display area.

5. Claims 5, 9-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lands (6,201,554) in view of Thomas (6,567,101).

As to independent claim 5, Lands (figure 1) teaches a portable display device (10) that includes, generating at least one sensor signal using at least one sensor in the device (36 & 38) and generating a tilt context value (figures 4B-4E) that indicates how the device is tilted (col. 3, lines 54-64), and a flat context value that indicates that the device is laying flat (figure 4A) based on the at least one sensor signal and selecting an

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orientation for an image on the display when the flat context value indicates the device is laying flat (col. 5, lines 13-46).

Lands does not expressly teach that selecting the orientation for an image on the display is carried out by using a tilt context value that was maintained for longer than a set period of time before the flat context value was generated and before a different tilt context value was maintained for less than the set period of time.

However, Thomas (1A-1C) teaches a display device which is similar to Lands' device and has a sensor (detector) for sensing the tilt of the display device (col. 4, lines 13-38), and wherein the selecting of the orientation for an image on the display when the flat context value indicates the device is laying flat by using tilt context value that was maintained for longer than a set period of time before the flat context value was generated and before a different tilt context value was maintained for less than the set period of time (for that, Thomas shows that a calibrator may be automatically activated, such as measuring time in a particular orientation, and if time spent in that orientation is above a specific amount, that orientation is utilized as the beginning orientation) (col. 5, lines 6-11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Thomas using time interval to select the orientation of the image on the display to be incorporated to Lands' device so as to be able to automatically activate the orientation selection by a simple time interval process which makes the device user friendly (see Thomas col. 5, lines 7-9).

As to claim 9, the first part of the claim is substantially similar to claim 5, and the rejection to claim 5 above applies to claim 9. The last 4 lines of claim 9 specify "changing the orientation of an image on the display based on a tilt context value unless the tilt context value is being used to control scrolling of an image on the display." Lands shows that the tilting of the display device is affecting image by changing the paging, volume, brightness or zoom modes (col. 3, 38-49). As can be seen, Lands does not show that the changing of the orientation is carried out to be used to control the scrolling of an image on the display, which reads on the claimed limitation of claim 9.

6. Claims 10-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lands in view of Watanabe (Japanese patent Publication NO. 6-292826).

As to claim 10, as can be seen above with respect to claim 5, Lands shows all the limitations of claim 10 except the citation of placing the device in a full power mode based on the holding context value and the orientation context value. However, Watanabe teaches a display device (figure 2) that includes a power saving mode, which activated when no touches by the user is detected and the normal mode is activated when the device is detected to be touched by the user (see English abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Watanabe to put the device in normal mode when sensing the user's touch to be incorporated to Lands' device so

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as motivated by Watanabe, to provide a power saving data processor which saves the electric power more and is easy for a user to use.

Claims 11-12 and 14 are substantially similar to claim 10 and would be analyzed as previously discussed with respect to claim 10.

Response to Arguments

7. Applicant's arguments with respect to claims 5, 9-12, 14 and 31-33 have been considered but either moot in view of the new ground(s) of rejection or not persuasive. As can be seen in the rejection above with respect to claims 10-12 and 14 Watanabe is cited to show changing the power based on the detection of whether the user is touching or not touching the device. With respect to claims 5 and 9, the Examiner has clearly shown in the rejection how the combination of Thomas and Lands would read on the claimed as amended. Similarly with respect to the newly added claims 31-33, Thomas's reference clearly suggested the limitations as claimed in claims 31-33.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amr Awad whose telephone number is (703)308-8485. The examiner can normally be reached on Monday-Friday, between 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras can be reached on (703)305-9720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


4-28-2004
A.A.